

REMARKS

Claims 29-43 are presented for examination. Claims 1-28 have been cancelled.

The claims have been formulated to more clearly define the claimed invention.

For example, claim 29 recites a system for enabling a customer to order a required product, comprising:

- a voice recognition mechanism for recognizing voice commands from the customer, and
- a display mechanism responsive to the recognized voice commands for displaying images assisting the customer in ordering the product during a product ordering session.

The claim specifies that:

- the display mechanism is configured for displaying a first screen representing a first phase of the product ordering session and a second screen representing a second phase of the product ordering session, and

- the voice recognition mechanism is configured to establish a first set of voice commands recognizable when the first screen is displayed, and a second set of voice commands recognizable when the second screen is displayed.

Independent claim 36 indicates that:

- the voice recognition mechanism being configured to establish a first set of voice commands recognizable during a first phase of the product ordering session, and a second set of voice commands recognizable during a second phase of the product ordering session, and

- the display mechanism being configured for displaying a first set of images representing the first set of voice commands during the first phase of the product ordering session, and for displaying a second set of images representing the second set of voice commands during the second phase of the product ordering session.

Independent method claim 40 recites the steps of establishing first and second sets of voice commands and displaying respective sets of images during first and second phases of a product ordering session.

It is noted that none of the individual references or combination of references applied by the Examiner teaches or suggests the claimed subject matter.

For example, in the previous Office Action that Examiner takes the position that Sturr, Jr (US 2004/0143512) anticipates the subject matter of dependent claim 10 that recites first and second sets of voices commands recognizable when the first or second screen is displayed.

The Examiner indicates that commands include “back to burger combination,” “no cheese” in FIG. 4, and “back to combinations,” “orange,” “iced tea” in Fig. 5.

Considering the reference, FIGS. 4 and 5 present different menus, each containing multiple items. The customer is requested to touch a desired item.

However, the reference does not disclose establishing a first set of voice commands recognizable during a first phase of the product ordering session, and a second set of voice commands recognizable during a second phase of the product ordering session.

It appears that the Examiner relies upon inherency because the reference discloses that an ordering kiosk interfaces are usually offered with touch screens. However, “other means for entering information may be used including keyboards, touch panels, pen input devices, joysticks, mice, microphones and voice recognition and response systems and other suitable means of making a selection that can be recognized by a computer.” (paragraph 0025).

Accordingly, the reference suggests using voice recognition **instead of** displaying touchable objects.

By contrast, the claimed invention suggests interaction between voice commands and displayed images.

Moreover, the reference does not teach or suggest establishing a first set of voice commands recognizable when the menu in Fig. 4 is displayed, and a second set of voice commands recognizable when the menu in Fig. 5 is displayed.

The Examiner is respectfully reminded that if she relied upon inherency without expressly indicating such reliance, inherency requires certainty, not speculation. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *In re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986); *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983); *In re Oelrich*, 666 F.2d 578, 212 USPQ 323 (CCPA 1981); *In re Wilding*, 535 F.2d 631, 190 USPQ 59 (CCPA 1976). To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probability or possibilities. *In re Robertson*, 169 F.3d 743, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

It is respectfully submitted that Sturr suggests using voice recognition **instead of** displaying touchable objects. Therefore, such an arrangement does not require establishing sets of voice commands **in addition to** displaying touchable objects.

Therefore, Sturr **does not need** establishing a first set of voice commands recognizable when the menu in Fig. 4 is displayed, and a second set of voice commands recognizable when the menu in Fig. 5 is displayed.

Accordingly, the reference neither expressly nor inherently discloses the claimed subject matter.

Application No.: 10/762,375

In view of the foregoing, and in summary, claims 29-43 are considered to be in condition for allowance. Favorable reconsideration of the application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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